

**ADAMS COUNTY**

**PRIVATE ONSITE WASTEWATER**

**TREATMENT SYSTEMS**

**ORDINANCE**

**DRAFT FORM**

March 18, 2009

PRIVATE ONSITE WASTE TREATMENT SYSTEMS ORDINANCE, Adams County, Wisconsin  
[www.co.adams.wi.gov](http://www.co.adams.wi.gov)

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County Clerk -

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EFFECTIVE DATE:

This Ordinance shall take effect after a Public Hearing, adoption by the County Board of Supervisors and transmittal to each Town Clerk.

ADOPTED THIS 28th DAY OF August, 1968

Effective Date: 10-01-68

REVISED THIS 21st DAY OF April, 2009

Public Hearing: 04-01-09

Board Adoption: 04-21-09

REVISED THIS 19th DAY OF March, 1974

Public Hearing: 03-07-74

Board Adoption: 03-19-74

REVISED THIS 23<sup>rd</sup> DAY OF June, 1992

Public Hearing: 06-03-92

Board Adoption: 06-23-92

ATTESTED:

Al Sebastiani

CHAIRPERSON OF COUNTY BOARD

Cindy Phillippi

COUNTY CLERK

# **ADAMS COUNTY PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS ORDINANCE**

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# SECTION - 1 - INTRODUCTION

## 1-1.00 STATUTORY AUTHORITY

This Ordinance is adopted pursuant to the authorizations in sections 59.70 (1), 59.70 (5), 145.04, 145.19, 145.20, and 145.245 Wis. Statutes as may be amended from time to time.

1-1.01 CONFLICT OF LAWS. In the event of litigation involving this Ordinance, the laws of Wis. shall govern.

## 1-2.00 PURPOSE

This Ordinance is adopted to promote and protect the public health and safety by assuring the proper siting, design, installation, inspection, and management of Private Onsite Wastewater Treatment Systems and Non-plumbing Sanitation Systems.

1-2.01 TITLE This ordinance shall be titled and referred to, and cited as the “**Adams County Private Onsite Wastewater Treatment Systems Ordinance.**”

1-2.02 ABROGATION AND GREATER RESTRICTIONS By this Ordinance it is not intended to repeal, abrogate or impair any existing Ordinances, rules, restrictions or regulations; however, where this Ordinance imposes greater restrictions, this ordinance shall prevail.

1-2.03 INTERPRETATION Provisions of this Ordinance shall be liberally construed and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes and related Administrative Codes. As unforeseen circumstances arise that are not specifically covered under this Ordinance, the basic principles and purpose of this Ordinance shall guide its interpretation and application.

1-2.04 SEVERABILITY In the event one provision is invalid in this Ordinance the remaining provisions shall be valid.

## 1-3.00 REPEAL AND EFFECTIVE DATE

This Ordinance shall be effective after public hearing, adoption by the County Board and publishing or posting as required by law. The provisions of the existing Adams County Private Sewage System Ordinance dated July 1, 1992 and all amendments shall be repealed effective on the date this Ordinance is enacted.

## 1-4.00 LIABILITY

This Ordinance shall not create a liability on the part of or cause of action against the County, or any employee thereof for any **Private Onsite Wastewater Treatment Systems (here after referred to as POWTS)** or Non-plumbing Sanitation System that may not function as designed. There shall be no liability or warranty for any site that is approved or denied. The issuance of a Sanitary Permit and inspections thereof does-not warrant the system's function, nor is there, a guarantee that the system is free of defects or that all aspects of the system complies with Wisconsin Statutes or Administrative Codes.

## 1-5.00 INCORPORATION BY REFERENCE

This Ordinance incorporates by reference the following rules, regulations, and laws, to govern the location, construction and use of a POWTS and (Non-plumbing Sanitation Systems pursuant to this Ordinance) as set forth in chapter 145, and sections 254.59, 281.48, 968.10, 59.70 (5) Wisconsin Statutes and chapters Comm 5, 81, 82, 83, 84, 85, 87, 91, and chapters NR113, and NR116 Wisconsin Administrative Codes as may be amended from time to time.

## 1-6.00 APPLICABILITY

The requirements of this Ordinance shall apply to all geographic areas of Adams County not served by public sewer.

## SECTION - 2 – DEFINITIONS

### 2-1.00 GENERAL

For the purpose of this Ordinance, the following definitions and those contained in rules and regulations promulgated to ch.145 Wis. Statutes and ch. Comm 81 Wis. Adm. Codes shall apply. Other words shall be presumed to have their customary dictionary definition. **Pursuant to this ordinance the Adams County Planning & Zoning Department shall be referred to as the Adams County Zoning Dept., Zoning Dept. or County.**

### 2-2.00 DEFINITIONS SPECIFIC

**2-2.01 BUILDING** Items constructed, erected or placed on a property requiring a more or less permanent location on or in the ground intended or capable of temporary, intermittent or permanent human habitation or to occupy as an accessory use. Including, but not limited to, items such as a dwelling, manufactured dwelling or home, residential, commercial, industrial or public facility, accessory building, cabin, cottage or other similar uses.

**2-2.02 BUILDING SEWER** Portions of the drain system, which are defined as a Building Sewer or Private Interceptor Main Sewer by ch. Comm 81 Wis. Adm. Code, shall not be considered a part of the POWTS.

**2-2.03 BUSINESS DAY** A day the Adams County Zoning Department is open for business within the hours of 8.00 AM to 4.30 PM, excluding Saturdays, Sundays or Holidays.

**2-2.04 CONVENTIONAL POWTS** A type of POWTS utilizing and consisting of a septic tank with in-ground soil absorption components and gravity distribution of effluent, or Non-Pressurized In-Ground type system.

**2-2.05 CAMPER UNIT** See Recreational Vehicle definition.

**2-2.06 CAMPER UNIT TRANSFER CONTAINER** Refers to a type of sanitary holding tank used to collect and hold wastewater discharges generated by an individual camper trailer or recreational vehicle.

**2-2.07 FAILING NON-PLUMBING SANITATION SYSTEM** A failing non-plumbing sanitation system is defined as one which causes or results in the discharge of human wastes, excrement or partly treated sewage to:

- (A) Surface waters or groundwater.
- (B) Zones of bedrock.
- (C) The surface of the ground.
- (D) Zones of seasonal saturation.

**2-2.08 FAILING POWTS** As specified in s. 145.245 (4) Wis. Statutes, which reads as follows.

**Note:** Section 145.245(4) reads: “Failing private sewage system”, means a private sewage system which causes or results in any of the following conditions: (a) The discharge of sewage into surface water or groundwater. (b) The introduction of sewage into zones of saturation, which adversely affects the operation of a private sewage system. (c) The discharge of sewage to a drain tile or into zones of bedrock. (d) The discharge of sewage to the surface of the ground. (e) The failure to accept sewage discharges and backup of sewage into the structure served by the private sewage system.

**2-2.09 HUMAN HABITATION** An act of inhabiting a place of abode, to occupy a structure whether intermittently or as a principle residence, as a dwelling, or as a sleeping place.

**2-2.10 MODIFICATIONS TO WASTEWATER FLOW OR CONTAMINANT LOAD** Modifications in wastewater flow or contaminant load discharging to a POWTS shall be considered to occur:

- (A) In public buildings, facilities or places of employment, when a change in occupancy, number of users, or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices.
- (B) In dwellings, when there is an increase or decrease in the number of bedrooms.

**2-2.11 NON-PLUMBING SANITATION SYSTEM** Pursuant to this ordinance refers to sanitation systems or devices, within the scope of Ch. Comm 91 Wis. Adm. Code, which are alternatives to water carried waste plumbing fixtures and drain systems.



- 2-2.12 NON-PLUMBING SANITATION SYSTEM COUNTY PERMIT Refers to a permit issued by the Adams County Zoning Dept. for the installation, replacement, modification and repair of Non-plumbing Sanitation Systems within the scope of ch Comm 91 Wis. Adm. Code not governed under a County Use or Privy Permit.
- 2-2.13 OCCUPY Pertains to and is the purpose for which a building is used.
- 2-2.14 PLUMBER A person licensed by the State of Wisconsin per s. 145.06 (1) (a) and s. 145.14 (1) (a) Wis. Statutes to perform plumbing activities as specified under s. 145.01 (10) Wis. Statute.
- 2-2.15 PORTABLE RESTROOM Pursuant to this Ordinance refers to an approved product for the use within the scope of ch. Comm 91 Wis. Adm. Code that is a self-contained portable unit that includes fixtures incorporating holding tank facilities, designed to contain human waste and/or excrement.
- 2-2.16 POWTS Refers to and means “Private On-Site Wastewater Treatment System” as specified under s. Comm 81.01 (182) Wis. Adm. Code and has the meaning given for ‘private sewage system’ under s. 145.01(12) Wis. Statute as specified under s. Comm 81.01, (194) Wis. Adm. Code.
- 2-2.17 PRIVY, PIT A Pit Privy is an enclosed non-portable toilet with a subsurface storage chamber that consists of earthen sides and/or bottom that is not watertight, into which non-water carried human wastes and/or excrement are deposited and is not connected to any type of water plumbing system.
- 2-2.18 PRIVY, VAULT A Vault Privy is an enclosed non-portable toilet with a subsurface watertight storage chamber, into which non-water-carried human wastes and/or excrement are deposited and is not connected to any type of water plumbing system. Pursuant to this Ordinance is considered a Non-plumbing Sanitation System.
- 2-2.19 REBUILT Construction that takes place after a structure is demolished or damaged to the extent of fifty percent (50%) or more of its current, equalized assessed value.
- 2-2.20 RECREATIONAL VEHICLE Items of personal property designed as transportable or a vehicle that stands in seasonal or permanent location for intermittent human habitation. Having an overall length of forty-five (45) feet or less and a body width of eight (8) feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. **Recreational vehicles with water service connection shall be provided with wastewater storage capability self contained within the unit.** The basic entities are: travel trailer, tent-type camping trailer, truck camper, park model unit or motor home.
- 2-2.21 SANITARY INSPECTOR Title of person employed by Adams County to assist the Adams County Zoning Administrator and Adams County Planning & Zoning Committee with the administration and enforcement of this Ordinance.
- 2-2.22 SANITARY PERMIT Refers to a permit issued by the State or governmental unit (Adams County Zoning Dept.) responsible for the regulation of private sewage systems per s. 145.135 and 145.19 Wis. Statutes.
- 2-2.23 SANITARY PERMIT, COUNTY Refers to a permit issued by the Adams County Zoning Dept. for POWTS reconnections, repairs and alterations or items not governed under a Sanitary Permit per **Section 2-2.21**.
- 2-2.24 SEPTIC TANK Component of a POWTS used for sewage containment and treatment.
- 2-2.25 STATE Pursuant to this Ordinance refers to the State of Wis. Dept. of Commerce.
- 2-2.26 STRUCTURE See building definition.
- 2-2.27 USE PERMIT, COUNTY Refers to a permit issued by the Adams County Zoning Dept. for Limited Holding Tank use per **Section 3-4.06 (A)**, Camper Unit Transfer Container use per **Section 3-4.08** and Portable Restroom use per **Section 2-2.14**.
- 2-2.28 ZONING ADMINISTRATOR Title of person employed by Adams County charged with the administration and enforcement of this Ordinance.

## SECTION - 3 - GENERAL REQUIREMENTS

### 3-1.00 COMPLIANCE

All structures residential or commercial in Adams County provided with a water plumbing system intended for permanent or intermittent human habitation or to occupy as an accessory use not connected to public sewer, shall be served by a State approved Private On-Site Wastewater Treatment System design into which all domestic wastewater and sewage shall enter for holding or treatment and dispersal that complies with the provisions of this Ordinance. Recreational Vehicles as defined by this Ordinance do not require a POWTS.

3-1.01 All POWTS or Non-plumbing Sanitation Systems new or replacement installations, repairs, modification, testing or reconnections shall be inspected and approved by the Adams County Zoning Department prior to being placed into service or any structure served by same may not be occupied or used unless otherwise exempted by the State or the Adams County Zoning Department pursuant to this Ordinance.

### 3-2.00 ALLOWABLE USES & LIMITATIONS

3-2.01 WATER SUPPLY If a water plumbing system is installed in a structure and/or potable water is supplied to a structure serviced by a non-plumbing sanitation system, an acceptable method of sewage disposal in addition to the non-plumbing sanitation system, (except Vault Privies pursuant to Section 3-2.03) shall be provided.

3-2.02 PORTABLE RESTROOM Portable Restroom use is allowed upon issuance of an Adams County Portable Restroom Use Permit which is an annual use permit requiring annual renewal or re-issuance. An Adams County Portable Restroom Use Permit is not required when the proposed placement on a parcel will not exceed thirty (30) days or for construction site, commercial or public uses. The Portable Restroom must be an approved product for the use and the pumping, transportation, and disposal of the contents shall be in accordance with ch. NR 113 and shall be maintained pursuant to this Ordinance.

3-2.03 VAULT PRIVY Only Vault Privy Non-plumbing Sanitation System type privies are permitted pursuant to this Ordinance, and only when a structure or premises served by a vault privy is not provided with an indoor water plumbing system. When a water plumbing system is installed into a structure served by a vault privy or a vault privy is on the same parcel, the vault privy shall be abandoned as per the requirements of ch. Comm 91 Wis. Adm. Code and an acceptable method of sewage disposal other than a vault privy must be provided.

3-2.04 FLOODPLAIN Any POWTS, or Non-plumbing Sanitation System or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of ch. NR116 Wis. Adm. Code, and the Adams County Zoning and Floodplain Ordinances.

3-2.05 NON-PLUMBING SANITATION SYSTEM Non-plumbing Sanitation Systems not limited by this ordinance are permitted when installed and maintained pursuant to ch. Comm 91 Wis. Adm. Code and this Ordinance. As a provision to this Ordinance Non-plumbing Sanitation Systems within the scope of ch Comm 91 Wis. Adm. Code **are not recognized as an existing POWTS design for a replacement Holding Tank Permit.**

3-2.06 HOLDING TANK Installation or use of holding tanks shall be prohibited for any new POWTS design, or method as a POWTS component except as provided in (A) exception. A Sanitary Permit application that designates a holding tank as a replacement system or as a system failure contingency plan shall not be approved unless a Soil and Site Evaluation determines that the property is unsuitable for a soils based POWTS design.

(A) **Exception** Limited use of an approved POWTS design tank component as a holding tank, may be allowed with an approved Adams County Limited Holding Tank Use Permit **only when** connection to a public sewer approved by the Department of Natural Resources is to be made; or **only with** an issued new or replacement Sanitary Permit for a soils based POWTS design that shall be installed to serve the structure or property.



3-2.07 **BUILDING SEWER** Building sewer pipes shall exit a building such that a minimum of eighteen (18) inches of soil cover is provided above the sewer pipe. If placement of eighteen (18) inches of soil cover results in less than eight (8) inches of separation between untreated or unprotected building materials an approved method of insulation or insulated pipe product shall be used.

3-2.08 **CAMPER UNIT TRANSFER CONTAINER** Camper Unit Transfer Container use is allowed upon issuance of an Adams County Camper Unit Transfer Container Use Permit that shall require annual renewal or re-issuance. The servicing of Camper Unit Transfer Containers as to pumping, transporting and disposal of the contents shall be in accordance with ch. NR 113 and shall be maintained pursuant to this ordinance.

(A) The Camper Unit Transfer Container must be an Approved Product for the use with a capacity not to exceed three hundred (300) gallons limited to servicing one Camper Unit per container. The container shall be installed under the camper unit when ever possible or placed no more than 12 inches horizontally from the camper unit body recessed into the finish grade no more than 4 inches with adequate anchoring to prevent flotation and provisions made to protect the unit from physical damage.

3-2.09 **PUBLIC SEWER** When, public sewer approved by the Department of Natural Resources becomes available to a structure or property served by an existing POWTS, connection to the public sewer shall be made within one (1) year from date of availability. The date public sewer becomes available for connection is established by the local sewer service entity. The disconnected existing POWTS shall be abandoned per **Section 3-4.00**.

### 3-3.00 IDENTIFIED FAILING POWTS or NON-PLUMBING SANITATION SYSTEM

When a POWTS or Non-plumbing Sanitation System is identified as failing, its use shall be discontinued within that period of time required by an Adams County Zoning Department order. When any component of a POWTS or Non-plumbing Sanitation System fails to operate or function as designed the entire system shall be evaluated for compliance to the Wis. Adm. Code in effect at the time the system was installed including a soils evaluation for those components that utilize in-situ soils for treatment or dispersal.

3-3.01 When an unlawfully altered or installed POWTS or Non-plumbing Sanitation System or component thereof is identified, the entire system shall be evaluated pursuant to this section and an order shall be issued to the responsible person(s) to correct or replace with a State approved system or component.

### 3-4.00 ABANDONMENT OF POWTS

When public sewer connection is required or components of an existing POWTS are not part of an approved replacement POWTS design or are identified as failing the existing POWTS or components thereof shall be abandoned pursuant to ch. Comm 83 Wis. Adm. Code prior to connection of the replacement POWTS or public sewer. The contents of all abandoned tanks, seepage pits, or cesspools shall be pumped out and disposed of in accordance with ch. NR 113.

### 3-5.00 SUBDIVISION PLATS NOT SERVED BY PUBLIC SEWERS

The provisions of this section are to establish lots and elevations with sufficient areas and soils to permit the installation and use of soils based POWTS designs to serve one and two family dwellings that shall apply to all proposed subdivision plats not served by public sewer. Proposed standard building lots on subdivision plats shall comply with the lot standards, zoning, and dimensional requirements of all applicable Adams County Ordinances. Words and phrases pursuant to this section apply as defined by this ordinance and the Adams County Land Division Ordinance.

3-5.02 A proposed subdivision plat not served by public sewer shall be submitted to the Zoning Department for review with all applicable fees and must be accepted and approved prior to final plat recording with the Register of Deeds Office. In addition to the requirements of the Adams County Land Division Ordinance a proposed subdivision plat submitted for review shall be drawn to scale that clearly indicates and includes:

(A) All lot areas that do not meet the area, width, elevation, soil, wetlands, floodplain or zoning requirements shall be delineated with limitation(s) identified and restricted by a clearly labeled outlot restriction on the plat. This restriction shall prohibit the construction of buildings and POWTS installations.

(B) Identify all lots that will have structures built to be served by a Community type POWTS design and identify all areas where a community type system will be located.

(C) Ground grade elevation contour lines at one (1) to two (2) foot intervals related to a vertical elevation reference point (benchmark). The location of all soil profile evaluation excavations with undisturbed grade elevations established and for all areas where land slopes exceed twenty percent (20%).

(D) A Soil and Site Evaluation Report conducted by a Certified Soil Tester per s. Comm 5.33 Wis. Adm. Code with profile descriptions and interpretations performed and reported as specified in ch. Comm 85 Wis. Adm. Code at a minimum of one (1) soil profile evaluation excavation per each continuous three (3) acres of plat area, excavated to a depth of at least four (4) feet below an expected POWTS infiltrative surface elevation.

1. Additional soil profile evaluation excavations shall be ordered as determined to be necessary at the discretion of the Zoning Administrator and/or Sanitary Inspector prior to approval of a proposed plat.
2. The use of existing documentation that may verify the soil conditions of all or part of a proposed plat may be allowed with pre-approval by the Zoning Administrator and/or Sanitary Inspector.

### 3-6.00 SOIL AND SITE EVALUATION REPORTS

Soil and Site Evaluation Reports shall be performed and submitted pursuant to ch. Comm 85 Wis. Adm. Code.

(A) Soil and Site Evaluation Reports recorded prior to January 1, 1981 or that do not indicate grade elevations for soil borings related to a vertical reference point shall require soils and site verification by a Certified Soil Tester if used as supporting documentation for a Sanitary Permit or County Sanitary Permit application. Verification shall require a complete Soil and Site Evaluation Report pursuant to this section with a **minimum** of one (1) soil profile evaluation excavation performed within the previously tested area.

### 3-7.00 POWTS RECONNECT

An Adams County Sanitary Reconnect Permit is required when a structure serviced by an existing POWTS is replaced or rebuilt with a new or different structure or before a disconnected POWTS may be reconnected. Prior to issuing an Adams County Reconnect Permit, the existing POWTS shall be examined to determine that it is functioning properly, not failing, and capable of handling the proposed wastewater flow and contaminant loads.

3-7.01 An Adams County Sanitary Reconnect permit is not required when replacing a structure with a new or different structure within two (2) years from the date of original Sanitary Permit issuance. To allow Reconnect Permit exception the original or most recent plumber of record shall be required to submit a detailed plot plan per **Section 4-4.00 (C)** and a statement the existing POWTS was not altered and a modification in wastewater flow or contaminant loads will not occur.

### 3-8.00 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to starting construction of a structure, an addition to or a structure modification serviced by an existing POWTS the owner shall provide documentation to the Adams County Zoning Dept. that the proposed construction will not cause or affect an increase in wastewater flow and/or contaminant load to the existing POWTS.

### 3-9.00 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Construction of a structure, an addition to or a structure modification determined to cause or affect an increase in wastewater flow and/or contaminant load to the POWTS serving the structure or property, the owner(s) shall possess a Sanitary Permit to modify the existing POWTS or to install a replacement POWTS that will accommodate the increase in wastewater flow and/or contaminant loads prior to starting construction. Or the property owner(s) shall provide documentation to the Adams County Zoning Department that a POWTS with sufficient soil conditions and of adequate size to accommodate the increase in wastewater flow and/or contaminant load already exists to serve the structure. This documentation shall include a plot plan per **Section 4-4.00 (C)** with the locations of the proposed structure, addition to or structure modification and all existing POWTS components identified to confirm all required setback distances are met.

### 3-10.00 ALTERNATIVE WASTEWATER FLOW CALCULATIONS

Construction of a structure, an addition to or a structure modification that is determined to cause or affect an increase in wastewater flow and/or contaminant load to the POWTS servicing the structure as originally permitted, may be allowed without installing a new, or modifying the existing POWTS if an alternative method of calculating wastewater flow and/or contaminant load other than the number of bedrooms is used. **The property owner(s) shall:**

- (A) Provide documentation of an alternative method of calculating wastewater flow and/or contaminant load based on a per capita occupancy (number of users), or on water meter flow data, or on comparable data on flow and load from similar uses or on influent wastewater analytical data if the contaminant load is affected.
- (Adams County Alternate Design Flow Calculation and Affidavit of, Alternate Design Flow forms)**

### 3-11.00 DOCUMENTS AND FORMS

All documents and forms created and approved for the administration of this ordinance shall be considered part and inclusive to this ordinance.

3-11.01 RECORDED DOCUMENT(s) Pursuant to the Wis. Adm. Codes, Recorded Document(s) are created to establish and implement the management and maintenance requirements and responsibilities, ownership and use restrictions for Private On-site Wastewater Treatment and Holding Systems and pursuant to this Ordinance for Non-plumbing Sanitation Systems, Use permits or items not governed under a Sanitary Permit. Such document(s) shall be recorded as an affidavit and restrictive covenant with the Adams County Register of Deeds Office and Adams County Zoning Department in a manner that will permit the existence of the document(s) to be determined by reference to the property. The requirements and responsibilities as prescribed by such document(s) are binding upon the property owner(s) or any subsequent owner(s), their heirs, and assignees and shall run with the land. Applicable items to be recorded prior to Permit issuance shall include but not be limited to the following:

- (A) A Management and Maintenance Agreement pursuant to **Section 6**.
- (B) If a POWTS or parts thereof are located on a different parcel than the structure served, an appropriate overhead and under ground access, operation and service easement.
- (C) If a POWTS serves more than one (1) structure under different ownership or owned by a party other than the owner of the parcel on which it is installed, a document identifying all parties that have ownership of the parcel, the system, and the structure(s) to be served by the system. All owners are jointly and severally responsible for the operation and maintenance of the POWTS.
- (D) If a POWTS design wastewater flow from a dwelling is based on methods other than the number of bedrooms, a document identifying and establishing the method used with occupancy limitation or use restriction to the dwelling determined by an Alternate Design Wastewater Flow Calculation per **Section 3-10.00**.

## SECTION - 4 - PERMITS AND APPLICATIONS

### 4-1.00 SANITARY PERMIT

A Sanitary Permit shall be obtained prior to issuance of a building permit for construction, establishment or installation of a structure requiring connection to a POWTS per s. 145.195 Wis. Statute. Every POWTS installation, component replacement and/or modification, permit renewal, revision, transfer or change of plumber shall require a separate application and Sanitary Permit. Sanitary Permit Applications and Design Plans shall be submitted for review with all appropriate documentation pursuant to **Sections 4-3.00, 4-4.00** and **Section 6** with review fees to the Adams County Zoning Dept.

- (A) **Inspection Access** An application for any permit governed by this ordinance or a Soil and Site Evaluation Report submitted to the Adams County Zoning Dept. for review grants consent from the property owner(s) to the Zoning Department staff to enter the owner(s) properties during normal working hours to



perform installation, operation, maintenance or soils inspections pursuant to the permit or Soil and Site Evaluation Report submitted at the discretion of the Zoning Administrator or Sanitary Inspector.

(B) **Evaluation** Sanitary Permits for POWTS component replacement and/or modification or County Sanitary Permits for POWTS repair or reconnection shall require that all existing or remaining components of the POWTS be evaluated for compliance to the Wis. Adm. Codes in effect at the time originally installed. As part of a permit application a system evaluation shall be submitted as supporting documentation including a soil and site evaluation report for those components that utilize in situ soil for treatment or dispersal.

(C) **Fees** Monetary fees are herein established to defray the cost of administration of this ordinance, and shall be required as part of a permit application and for, but not limited to sanitary document review and inspections. The fees shall be set and amended from time to time by the Adams County Planning & Zoning Committee.

4-1.01 **SANITARY PERMIT REVISION** A Revision Permit is required for a proposed change in use, component(s) or design modification to a previously approved Sanitary Permit design. Applications for a Sanitary Permit Revision shall be submitted for review to the Adams County Zoning Dept. with review fees and all applicable documentation including any State approved design revision and/or variance as required by the Wis. Adm. Codes. A design revision may require the Management and Maintenance Agreement Management Plan be amended including servicing agreement(s) and contract(s).

(A) If identified during inspection pursuant to **Section 5** that a permit revision is required to a previously approved Sanitary Permit POWTS design, an application for Sanitary Permit Revision shall be submitted to the Adams County Zoning Department within thirty (30) days from the date of inspection.

4-1.02 **CHANGE OF PLUMBER** A change of plumber permit is required for a proposed change in plumber of record to a previously approved Sanitary Permit POWTS design prior to expiration. An approved POWTS design plan that does not bear the original stamp of an architect, engineer or registered POWTS designer cannot be transferred as part of a change of plumber permit application. A new POWTS design would be required.

4-1.03 **PERMIT TRANSFER TO NEW OWNER** To transfer a valid Sanitary Permit from the current permit holder to a new owner a Transfer Permit is required. Transfer of ownership transfers all Management and Maintenance requirements and servicing responsibilities to the new owner and shall not affect the original Sanitary Permit expiration date. Applications for Permit Transfer to New Owner shall be signed by the original Plumber of record with documentation to support the change in property ownership and original Sanitary Permit posting card.

4-1.04 **HOLDING TANK PERMIT** As part of a Sanitary Permit Application for a Holding Tank the property owner shall enter into an Adams County Holding Tank Agreement that will require the property owner to agree:

(A) To have a water meter installed in the structure(s) to be serviced by the holding tank pursuant to this Ordinance and to be responsible for the purchase, installation, maintenance and repair of the water meter(s). Water meters are not required for Temporary Holding Tank Use or Non-plumbing Sanitation Systems.

(B) To enter into a servicing contract with a person licensed under ch. NR 113 Wis. Adm. Code who shall submit to the Adams County Zoning Department as prescribed by the Management Plan a report on all water meter readings and servicing events of the Holding Tank.

4-1.05 **PERMIT POSTING CARD** Permit posting cards issued by the Adams County Zoning Dept. to the property owner shall serve as the Sanitary Permit and/or County Permit (Sanitary or Use). The permit card shall contain all the information required by Wis. Statute ch. 145 and this Ordinance. The original or most recent issued Sanitary Permit posting card shall be returned as part of an application for Sanitary Permit transfer or renewal. The permit card shall be displayed at the site in such a manner that it will be visible from the road abutting the lot during all construction phases. Failure to display the permit card shall be a violation of this Ordinance.

#### 4-2.00 COUNTY SANITARY PERMIT

An Adams County Sanitary Permit is required for POWTS repairs, reconnections, or items not governed under a Sanitary Permit per **Section 2-2.22**.

4-2.01 **RECONNECT PERMIT** Pursuant to **Section 3-7.00** an Adams County Sanitary Reconnect Permit application shall be prepared and submitted per **Sections 4-3.00** and **4-4.00 (A) & (C)** with the following.

- (A) The existing POWTS shall be entered into the Adams County Mandatory POWTS Management and Maintenance Program or amend the existing Management Plan including servicing agreement(s) and contract(s) pursuant to **Section 6.00**.
- (B) A report by a credentialed person per s. Comm 83.25 (2) (d) 3 Wis. Adm. Code relative to the condition of the existing POWTS components, including but not limited to pumps, pipes, filters, switches, alarms, electrical systems, verification of setbacks and that the existing POWTS is not failing.
- (C) A report by a Certified Septage Servicing Operator under ch. NR114 Wis. Adm. Code on the condition of all existing holding or treatment components including capacities, water tightness, baffles, risers and riser covers.
- (D) A Soil and Site Evaluation Report per **Section 3-6.00** that references the vertical elevation separation distance between the infiltration surface of the existing POWTS and estimated high groundwater and bedrock is required, unless a valid report is on file with the Zoning Dept. that would support the existing POWTS.

4-2.02 **REPAIR PERMIT** An Adams County Sanitary Repair permit shall be required for repairs to POWTS components identified as failed or nonfunctional. Including but not limited to septic, holding, ATU and dosing tank risers and riser covers, effluent pumps, switches or alarms and wiring components, inlet or outlet baffles, building sewer pipes, ATU unit components and observation or vent pipes.

#### 4-3.00 SANITARY PERMIT APPLICATION(s)

Sanitary Permit and County Sanitary Permit applications shall be submitted with all applicable State and Adams County documents including review fees, and the following but not limited to, any additional information or documentation requested by the Zoning Dept. **The Zoning Dept. reserves the right to refuse incomplete or incorrectly prepared permit applications and to delay permit issuance until applications are corrected.**

- (A) A completed County Permit Application with parcel identification number, legal description, and site address.
- (B) Soil and Site Evaluation report pursuant to **Section 3-6.00**.
- (C) System Design plans pursuant to **Section 4-4.00**.
- (D) Recorded documents pursuant to **Section 3-11.01** with verification of recording.
- (E) A Management and Maintenance Agreement and Management Plan pursuant to **Section 6**.

4-3.01 When any official State action is required as part of a proposed POWTS design, an original approval letter and when applicable design plan bearing an original stamp of approval from the Wis. Dept. of Commerce.

4-3.02 The Adams County Zoning Department may require floodplain and wetland delineations for a proposed POWTS area and building site related to the POWTS design with vertical grade elevations to be tied to floodplain elevation datum by a Registered Land Surveyor.

#### 4-4.00 DESIGN PLANS

A POWTS design plan submitted for review to the Adams County Zoning Department shall comply with the requirements of s. Comm 83.22 Wis. Adm. Codes composed of all original documents including the following but not limited to any additional information or documentation requested by the Zoning Dept.



- (A) A cover page that identifies the title (project name), location, parcel ID number, design manual(s) used with SDB number(s), index of content, signed, sealed, and dated by and with the license number of the submitting individual pursuant to s. Comm 83.22 (2) (c) Wis. Adm. Code.
- (B) A detailed construction plan depicting how the system is to be installed, with sizing, installation, operation requirements including manufacturer specific cross-section drawings for each holding, treatment, dosing, filter, and POWTS dispersal component used.
- (C) A detailed site plan pursuant to s. Comm 83.22 (2) (a) 3 c Wis. Adm. Code that delineates all new and existing POWTS components, property lines and roads with all separating distances and dimensions.

#### 4-5.00 COUNTY PERMIT NON-PLUMBING SANITATION SYSTEM

To install a Non-plumbing Sanitation System within the scope of ch. Comm 91 Wis. Adm. Code not limited by this Ordinance shall require an Adams County Non-plumbing Sanitation System Permit with a Maintenance and Management Agreement pursuant to **Section 6**. Each Non-plumbing Sanitation System installation, repair or replacement shall require a separate application, review and approval.

**4-5.01 NON-PLUMBING SANITATION SYSTEM** An Adams County Permit application for a Non-plumbing Sanitation System pursuant to **Section 3-2.05** shall be submitted per **Section 4-3.00 (A) (D) & (E)**. The applicant shall provide as part of an application the manufactures State product approval, installation instructions and servicing requirements, and a Management Plan with a servicing contract from a licensed provider.

**4-5.01 VAULT PRIVY PERMIT** An Adams County Permit application for a Vault Privy pursuant to **Section 3-2.03** shall require the property owner(s) to enter into an Adams County Privy Installation Agreement and Holding Tank Servicing Agreement to establish the property owner(s) installation requirements and Management Plan servicing responsibilities. The applicant shall also submit as part of an application a detailed **plot plan** per **Section 4-4.00 (C)** depicting the Vault Privy location with servicing access and horizontal setbacks.

#### 4-6.00 COUNTY USE PERMIT

An Adams County Use Permit is required for Limited Holding Tank use pursuant to **Section 3-2.06 (A)** or Camper Unit Transfer Container use pursuant to **Section 3-2.08** or Portable Restroom use pursuant to **Section 3-2.02**. A County Use Permit application shall be submitted pursuant to **Section 4-3.00 (A) (D) & (E)**. Each placement and/or use shall require a separate application, review and approval.

**4-6.01 LIMITED HOLDING TANK USE** A County Use Permit application for limited holding tank use shall include a Sanitary Permit for a Holding Tank POWTS design and Dept. of Natural Resources public sewer approval verification, with a written statement from the municipality or sanitary district, verifying the date that public sewer will be available for connection or an issued Sanitary Permit for a soil based POWTS design with limited holding tank use approval. As part of an application the property owner(s) shall be required to enter into an Adams County Holding Tank Agreement per **Section 4-1.04** and an Adams County Limited Holding Tank Use Agreement to establish by provision to this ordinance as an agreement the following requirements:

- (A) To connect to public sewer once it becomes available or; if public sewer fails to become available, to soil test the parcel and if the site will support to permit, install and connect to a soil based POWTS design.
- (B) To connect to the pre-approved soil based POWTS design.
- (C) To discontinue use and properly abandon the holding tank with in thirty (30) days of permanent connection to Public Sewer or to the pre-approved soil based POWTS design.

**4-6.02 PORTABLE RESTROOM USE** A property owner(s) wishing to place a Portable Restroom on a property shall complete a County Use Permit application with a detailed **plot plan** pursuant to **Section 4-4.00 (C)** depicting the Portable Restroom location with servicing access. The applicant shall provide as part of an application the Portable Restroom manufactures State product approval and a Management Plan with a servicing contract from a licensed provider for the duration of use or placement.

4-6.03 CAMPER UNIT TRANSFER CONTAINER USE A property owner(s) wishing to place a Camper Unit Transfer Container on a property shall complete a County Use Permit application with a detailed **plot plan** pursuant to **Section 4-4.00 (C)** depicting Camper Unit location and servicing access with Transfer Container setback or exposure from the Camper Unit body and how it is to be anchored and protected from physical damage. The applicant shall provide as part of an application the Camper Unit Transfer Container manufacture's State product approval and a Management Plan with a servicing contract from a licensed provider for the duration of use or placement.

#### 4-7.00 PERMIT EXPIRATION AND RENEWAL OR DENIAL

4-7.01 EXCEPTION A Sanitary Permit pursuant to **Section 2-2.22** or County Sanitary Permit pursuant to **Section 2-2.23** not installed, inspected, and accepted by the Zoning Dept. shall expire two (2) years from the date of issuance. A Sanitary Permit or County Sanitary Permit and all other County Permits must be renewed prior to the expiration date of the original or most recent issued permit by written application to the Zoning Dept. Approved permit renewals are affective for two (2) year periods thereafter except as provided in (A) and (B).

(A) **Limited Holding Tank Use Permit.** An approved Adams County Limited Holding Tank Use Permit shall expire twelve (12) months from the date of issuance unless renewed prior to original permit expiration. Renewals or subsequent re-issuance of an expired Adams County Limited Holding Tank Use Permit servicing a structure or property are only allowed if site conditions were to exist that would inhibit connection to public sewer or installation and connection of the pre-approved soil based POWTS design. Permit renewals shall not exceed four (4) years in total from the date the original Limited Holding Tank Use Permit was issued.

(B) **Portable Restroom and Camper Unit Transfer Container County Use Permits** Adams County Use Permits for Portable Restroom or Camper Unit Transfer Container use are annual use permits requiring annual renewal or re-issuance **affective from January 1 through December 31.**

4-7.02 PERMIT RENEWAL POWTS An application for Sanitary Permit or County Sanitary Permit renewal shall be signed by the original Plumber of record and include all applicable renewals for maintenance agreements, management plans, servicing contracts and recording documents with the original Sanitary Permit posting card.

4-7.03 PERMIT RENEWAL COUNTY PERMITS An application for a County Non-plumbing Sanitation System or Use Permit renewal shall be signed by the existing property owner(s) of record and include all applicable renewals for maintenance agreements, management plans, servicing contract and recording documents.

4-7.04 PERMIT DENIAL Permit applications submitted for review to the Adams Zoning Department found not in compliance with applicable provisions of the Wis. Statutes and Wis. Adm. Codes or this Ordinance shall be denied. Reasons for the denial shall be forwarded to the property owner(s) and plumber of record and when appropriate, Department of Commerce representative(s) and Adams County Corporation Counsel. An applicant may appeal the decision in accordance with Wis. Statute ch. 68 and **Section 8-2.02.**

## SECTION - 5 – INSPECTIONS

### 5-1.00 INSPECTIONS GENERAL

To insure that proper materials and methods are used that comply with all applicable Wis. Statute and Adm. Codes each Private On-site Wastewater Treatment System installation, component replacement, modification, repair, or system reconnection shall be inspected by the Adams County Zoning Dept. pursuant to s. Comm 83.26 Wis. Adm. Code and this Ordinance. Each Non-plumbing Sanitation System and Use Permit component installation, removal or repair shall be inspected by the Adams County Zoning Dept to insure that proper materials and methods are used that comply with the manufactures installation instructions, Wis. Adm. Codes and this Ordinance. After the initial inspection(s) each POWTS or Non-plumbing Sanitation System or Use Permit component shall be inspected at the discretion of the Sanitary Inspector for compliance with the Management and Maintenance Agreement operational and/or servicing requirements.

5-1.01 NOTICE OF INSPECTION **POWTS** Notice for inspection shall be given in accordance with the requirements of s. Comm 83.26 Wis. Adm. Code. The plumber in charge shall identify and schedule the inspection and/or testing with the Adams County Zoning Dept. at least one (1) full business day excluding weekends or holidays prior to requested inspection time.

5-1.02 NOTICE OF INSPECTION **Non-plumbing Sanitation Systems or Use Permits** The person in charge shall schedule the inspection with the Adams County Zoning Dept. and coordinate with the Sanitary Inspector at least two (2) full business days excluding weekends or holidays prior to requested inspection time.

5-1.03 NOTICE OF INSPECTION **Experimental Systems and Package Systems Not Recognized.** The plumber in charge shall coordinate and schedule with the Adams County Zoning Dept. and the Dept. of Commerce at least two (2) full business days prior to any pre-construction meeting(s), and/or inspection(s) as required.

5-1.04 RE-INSPECTION Re-inspections shall be required when the plumber or person in charge is not present at the scheduled inspection time, when the system or component installation is incomplete (not ready for inspection) or when the initial inspection discloses non-compliance with the Wis. Adm. Codes or this Ordinance.

(A) A re-inspection is subject to the provisions of **Sections 5-1.01 & 5-2.00 & 5-2.01** and a re-inspection fee.

5-1.05 FINAL INSPECTION A final inspection is required for any POWTS design with a finished grade elevation that is greater than the original grade or when a system elevation is less than twelve (12) inches below the original soil grade or when seeding and mulching, electrical connection or component testing are a design requirement and for all installations pursuant to **Section 5-1.06 Self- inspection, County.** A POWTS installation requiring a final inspection shall not be placed into service until inspected and accepted by the Zoning Department.

(A) **Exception.** The Adams County Zoning Department may allow a POWTS placed into service prior to final inspection at the discretion of the Sanitary Inspector upon request by the installer or property owner when an interruption of service to an occupied dwelling were to accrue or when unusual design or site conditions exist.

5-1.06 SELF INSPECTION, COUNTY Pursuant to this ordinance the Plumber in charge shall perform a self-inspection and complete a self-inspection report provided the scheduled inspection cannot be made by the end of the next workday excluding weekends and holidays from the scheduled inspection time.

(A) The plumber in charge shall record on forms provided by the Zoning Dept. (**Adams County Self-Inspection Report**) all requested elevation and site information for the POWTS installation, component replacement, modification, repair, or system reconnection. Adams County Self-Inspection Report forms shall be submitted to the Zoning Dept. **within ten (10) business days from the date of requested inspection.**

## 5-2.00 INSPECTION, SPECIFIC

**Private On-site Wastewater Treatment System** inspections are normally performed at the time all components of the system are completed prior to backfilling. Additional inspections shall be required at the discretion of the Sanitary Inspector including but not limited to; before, during and after plowing of the ground surface, excavations for sanitary component(s), placement and bedding of septic tank(s) and drain field components; including sand fill, aggregate, leaching chambers, distribution piping, pumps, effluent filters or system and/or component(s) testing. The plumber in charge shall be present at the scheduled inspection time and provide the proper apparatus, equipment and necessary assistance with the inspection as directed by the Sanitary Inspector. A copy of the approved POWTS design plan shall be made available to the Sanitary Inspector and maintained at the site until the installation is completed, inspected, and approved.

5-2.01 **Non-plumbing Sanitation Systems and Use Permit Components** inspections are normally performed at the time all components of the system are completed, prior to being placed into service. Additional inspections shall be required at the discretion of the Sanitary Inspector, including but not limited to; before, during and after system or component installation, connection or testing. The person in charge shall be present at the scheduled



inspection time and provide the proper apparatus, equipment and necessary assistance with the inspection as directed by the Sanitary Inspector. A copy of the manufactures installation instruction shall be made available to the Sanitary Inspection and maintained at the site until the installation is completed, inspected and approved.

#### 5-3.00 SITE CONSTRUCTED HOLDING TANK INSPECTION

All site constructed holding tanks shall be inspected before and after the floor is poured and the key way and water stop are installed or after the forms for the tank walls have been set, but in all instances, before any concrete for the walls has been poured. Concrete walls may be poured only after it has been determined that the tank as formed complies with the State approved design plan. The completed installation shall be inspected before backfilling.

#### 5-4.00 SOIL AND SITE EVALUATION REPORT INSPECTION

The Adams County Zoning Department shall require site inspections of submitted Soil and Site Evaluation Reports to verify reported data pursuant to s. Comm 85.50 Wis. Adm. Code to determine the suitability of a proposed or existing POWTS design at the discretion of the Sanitary Inspector prior to or after the issuance of a Sanitary Permit or system installation. The responsible Certified Soil Tester shall be present at the time of inspection and provide the proper apparatus, equipment and necessary assistance with soil profile evaluation excavation(s) constructed as directed by the Sanitary Inspector to allow adequate visual and physical observation of the soil profiles. County Soil and Site Evaluation Report verification inspections shall result in the following.

- (A) Approval or denial of the Soil and Site Evaluation Report.
- (B) Holding action on a Sanitary Permit application pending clarification of reported information.
- (C) Require a revised Soil and Site Evaluation Report that would support the proposed or existing POWTS design or an alternative POWTS design the soil and site conditions would support for the proposed or existing use.
- (D) Issuance of a Stop Work Order if site verification performed at time of system installation determines the Soil and Site Evaluation Report dose not support the approved POWTS design. The POWTS shall remain inoperable until such time a revised Soil and Site Evaluation Report is submitted and approved by the Zoning Dept. that would support the installed POWTS. If the soil and site conditions do not support the installed POWTS design it shall be removed and replaced with a soils based POWTS design the site will support.

5-4.01 County soil and site verification inspections are allowed upon request by the responsible Certified Soil Tester prior to submitting a Soil and Site Evaluation Report, and/or a completed Sanitary Permit application.

#### 5-5.00 SOIL SATURATION DETERMINATION INSPECTION

The Adams County Zoning Dept. shall require inspections of Soil Saturation Determinations pursuant to s. Comm 85.60 Wis. Adm. Code and this Ordinance at the discretion of the Sanitary Inspector. The responsible Certified Soil Tester shall notify and coordinate with the Sanitary Inspector prior to performing a Soil Saturation Determination. Inspections shall be performed pursuant to **Section 5-4.00** with groundwater observation pipe installations prepared and made available for inspection as directed by the Sanitary Inspector.

## SECTION - 6 - MANAGEMENT AND MAINTENANCE

#### 6-1.00 ADAMS COUNTY MANDATORY MANAGEMENT AND MAINTENANCE PROGRAM

The purpose of this section is to establish by provision to this ordinance the Adams County Mandatory Management and Maintenance Program to ensure proper monitoring, maintenance and reporting for all new or existing POWTS or Holding Systems within the scope of ch. Comm 83 Wis. Adm. Code pursuant to ch Comm 83 Subchapter V – Management. The Adams County Mandatory Management and Maintenance Program is, herein integrated with the POWTS Replacement / Rehabilitation Grant Program pursuant to this ordinance and shall comply with the requirements, enforcement authority and maintenance as set forth in ch. Comm 83 and ch. Comm 87 Wis. Adm. Code.

6-1.01 The purpose of this subsection is to establish by provision to this ordinance the proper servicing, operation and maintenance reporting for Non-plumbing Sanitation Systems within the scope of ch. Comm 91 Wis. Adm. Code and Use Permit Components pursuant to this ordinance as part of the Adams County Mandatory Management and Maintenance Program.

## 6-2.00 IMPLEMENTATION

All new or existing POWTS or Holding Systems shall be entered into the Adams County Mandatory Management and Maintenance Program as part of a permit application under any ordinance governed by the Adams County Zoning Dept. or as prescribed by any Wis. Dept. of Commerce official action, program or Adm. Code. As part of program entry, all existing POWTS shall be examined per **Section 4-2.01 (B) (C) (D)** to determine that they are functioning properly, not failing and capable of accepting the existing wastewater flow and contaminant load.

6-2.01 All Non-plumbing Sanitation Systems or Use Permit Components shall be entered into the Adams County Mandatory Management and Maintenance Program as part of an Adams County Non-plumbing Sanitation System or Use Permit application.

## 6-3.00 MANAGEMENT AGREEMENT

**POWTS** As part of the Adams County Mandatory Management and Maintenance Program, the owner(s) of a Private On-site Wastewater Treatment or Holding System shall enter into a Management Agreement pursuant to s Comm 83.52 and 83.54 Wis. Adm. Code. The Management Agreement shall be binding upon the property and POWTS owner(s) and any subsequent owner(s), their heirs or assignees and will run with the land to be recorded with the Adams County Register of Deeds Office and Zoning Dept. per **Section 3-11.01** of this Ordinance.

6-3.01 **NON-PLUMBING SANITATION SYSTEM & USE PERMIT COMPONENT** The owner(s) of a property with a Non-plumbing Sanitation System or Use Permit Component shall enter into a Non-plumbing Sanitation System or Use Permit Component Management Agreement as part of the Adams County Mandatory Management and Maintenance Program pursuant to this Ordinance. The Management Agreement shall be binding on the property owner(s) and any subsequent owner(s), their heirs or assignees and will run with the land and shall be recorded with the Adams County Register of Deeds and Zoning Dept. per **Section 3-11.01** of this Ordinance.

## 6-4.00 MANAGEMENT PLAN

**POWTS** As part of an Adams County POWTS Management Agreement a Management Plan shall be required to establish the management responsibilities with servicing and reporting requirements for a Private On-site Wastewater Treatment or Holding System pursuant to s Comm 83.54 and 83.55 Wis. Adm. Code.

6-4.01 **NON-PLUMBING SANITATION SYSTEM & USE PERMIT COMPONENT** As part of an Adams County Non-plumbing Sanitation System or Use Permit Component Management Agreement a Management Plan shall be required to establish the management responsibilities with servicing and reporting requirements of the Non-plumbing Sanitation System or Use Permit Component pursuant to this Ordinance.

## 6-5.00 REPORTING REQUIREMENTS

All inspections, maintenance or servicing events as specified in a Management Plan for **POWTS or Holding Systems** shall be reported to the Adams County Zoning Dept. pursuant to s Comm 83.55 Wis. Adm. Code and this ordinance. All inspections, maintenance or servicing events as specified in a Management Plan for **Non-plumbing Sanitation Systems or Use Permit Components** shall be reported pursuant to ordinance. The inspections, maintenance or servicing event frequency as specified in a Management Plan begins on the date a POWTS or Holding System is inspected and accepted by the Zoning Dept. or when a Non-plumbing Sanitation System or Use Permit Component is placed on a property. Pursuant to this ordinance **Section 6-5.01** shall establish a fixed reporting date that may cause the inspection, maintenance or servicing event frequency as specified by a Management Plan to be rescheduled for the first reporting cycle if the system was inspected and accepted by the Zoning Dept. after July 31 in the year the servicing events were scheduled. Notice of inspection, maintenance or servicing as prescribed by a Management Plan shall be given to the current property owner(s) by the Zoning Dept. on or before April 30 of the year the servicing event is scheduled.



6-5.01 **REPORTING** The purpose of this subsection is to establish by provision to this ordinance a fixed reporting date for all POWTS inspections, maintenance or servicing events as prescribed by a Management Plan and for servicing events not conducted in winter weather conditions that may have an adverse affect on the performance of a POWTS. **The pumping out of treatment components or inspection events that may result in pumping shall be performed and reported to the Zoning Dept. on or before July 31 of the year the servicing event is scheduled pursuant to the Management Plan.** All other performance inspections, maintenance or servicing events shall be performed and reported to the Zoning Dept. on or before Oct. 31 of the year the servicing event is scheduled.

(A) The reporting of inspections, maintenance or servicing events for Non-plumbing Sanitation Systems or Use Permit Components shall be performed and reported in a manner as prescribed by the Management Plan to the Zoning Dept. on or before Dec. 31 of the year the events were scheduled and/or performed.

## **SECTION - 7 - GROUNDWATER ELEVATION OBSERVATION PIPE PROGRAM**

### **7-1.00 INTENT**

To establish the placement, operation and maintenance of permanent Groundwater Elevation Observation Pipes in Adams County.

### **7-2.00 PURPOSE**

To provide a means to accurately monitor and establish regional water table fluctuations in deep sandy soils in the Central Sands areas in Adams County for uses pursuant to Soil Saturation Determinations Hydrograph Method as set forth in the Wisconsin Administrative Codes.

### **7-3.00 FUNDING**

Program funding shall be provided through a review fee levied for each Soil Saturation Determination Hydrograph Method form submitted to the Adams County Planning & Zoning Department for review. The amount of this review fee shall be set and adjusted by the Adams County Planning & Zoning Committee. The funds procured shall be placed in an independent account used exclusively to meet the financial demands of this program. Revenue shall be allowed to accumulate to the greater of the following; \$10,000.00 or 150% of the total value of equipment installation and operation costs, including but not limited to annual maintenance and support services, pipe replacement or relocation, and all devices used to obtain, transmit, read, or store groundwater elevation data.

### **7-4.00 PLACEMENT AND CONSTRUCTION**

Groundwater Elevation Observation Pipes shall be placed on county or public lands in secure locations and placed in uniform sandy soils to a depth sufficient to provide consistent and accurate water table fluctuation information. Groundwater Elevation Observation Pipes shall be constructed of similar materials and installed in like manner.

7-4.01 **PROPERTY** All Groundwater Elevation Observation Pipes are the property of, and are under the administrative authority of the Adams County Planning & Zoning Department. Entry into any shared use agreements on properties with other county departments, towns, state or public entities shall require the approval of the Adams County Planning & Zoning Committee.

### **7-5.00 NONASSUMPTION**

This program shall not be construed as assuming any liability on the part of Adams County or any official or employee thereof, for damages to anyone injured, or for any groundwater contamination, or property damage.

## SECTION - 8 - ADMINISTRATION

### 8-1.00 THE ADAMS COUNTY ZONING ADMINISTRATOR

The Zoning Administrator shall be responsible for the administration of this ordinance and may delegate issuing of abatement orders, to the County Health Department. The Sanitary Inspector shall assist the Zoning Administrator and/or the Adams County Planning and Zoning Committee with the administration of this ordinance.

**8-1.01 POWERS AND DUTIES** In the administration of this ordinance, the Zoning Administrator shall have the following powers and duties to assure full and complete compliance with this Ordinance and related Wis. Statutes and Administrative Codes.

- (A) Perform and/or delegate his or her responsibilities and duties to personnel employed by the Adams County Zoning Dept. as considered appropriate by the County or State.
- (B) Issue and enforce Orders for Correction to the responsible person(s) including but not limited to Plumbers, Soil Testers, Septic Servicing Providers, property owners, their agents or contractors.
- (C) Advise applicant concerning the provisions of this ordinance and assist them in preparing a permit application.
- (D) Review POWTS Sanitary Permit Applications for one and two family residences or as approved through agent status by the Department of Commerce. Review Adams County Permit Applications for POWTS, Non-plumbing Sanitation Systems or Use Permits within the scope of this ordinance
- (E) Issue Sanitary and Adams County Permits and keep records of all permits issued, inspections made, work approved, official actions and report violations of this ordinance to the Adams County Corporation Counsel.
- (F) Perform inspections for compliance pursuant to this ordinance and related Wis. Statutes or Administrative Codes with access to any premises for the purpose of performing official duties between 8:00 a.m. and 4:30 p.m. or upon issuance of a special inspection warrant in accordance with s. 66.0119 (1) (2) Wis. Statute.
- (G) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.

### 8-2.00 BOARD OF ADJUSTMENT

The County Board Chairman is hereby directed to appoint a Board of Adjustment according to s. 59.694 Wis. Statute consisting of five (5) members. The members shall all reside within Adams County and outside of limits of incorporated cities and villages; provided, however, that no two (2) members may reside in the same town. The Board shall choose its own chairman and other officers as may be needed. No member shall be a member of the Adams County Planning and Zoning Committee or be a member of the Adams County Board of Supervisors or be a member of a Town Board. Term of office shall be for three years (3) beginning July 1. Vacancies shall be filled for the un-expired term of any member whose term becomes vacant.

**8-2.01 PROCEDURES** The Board of Adjustment shall adopt such rules, as it deems necessary for the conduct of business and may exercise all of the powers conferred on such boards by s. 59.694 Wis. Statute.

- (A) The Board shall hear and decide appeals, where it is alleged there is error in any order requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (B) The Board may authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done. No variance shall have the effect of allowing standards lower than those required by state law.

8-2.02 APPEALS TO THE BOARD Appeals to the Board of Adjustment, may be taken by a person who is aggrieved, by an officer, department, board or bureau of a municipality, affected by a decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days of the date or written notice of the decision or order of the Zoning Administrator, by filing with the office from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

8-2.03 HEARING OF APPEALS The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give public notice and such notice shall be published in the official newspaper of Adams County by publishing a class two (2) notice thereof as defined in ch. 985 Wis. Statute, as well as due notice to the parties in interest, including mailing notice to the Department of Commerce at least ten (10) days prior to the hearing date. Such notice shall specify the date, time, and place of the hearing and matters to come before the Board with decisions regarding the appeal made as soon as practicable. Any party may appear in person, by agent or attorney.

(A) The secretary of the Board shall in the form of a written resolution or order sign the final disposition of an appeal or application to the Board of Adjustment. Such resolution shall state the specific facts that are the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application. A copy of any decision granting a variance shall be mailed to the Department of Commerce.

## **SECTION – 9 – ENFORCEMENT AND PENALTIES**

### **9-1.00 VIOLATION ENFORCEMENT**

Any property owner, their agent, contractor or responsible party(s) who fails to comply with the provisions of this ordinance or applicable State of Wisconsin Statutes and/or Administrative Codes will hereafter be establish in violation. The Adams County Zoning Administrator or Sanitary Inspector may report violations of this ordinance to the Adams County Planning and Zoning Committee, or upon reasonable cause or question as to proper compliance, revoke or suspend any County Sanitary Permit and issue directives or Orders for Correction and report the violations to the Adams County Corporation Counsel. Any person issued an Order for Correction by the Adams County Zoning Department in accordance with this ordinance who resists enforcement or violation correction, shall be subject to being issued a Court Citation and Complaint and/or a penalty as provided in **Section 9-3.00** of this ordinance.

### **9-2.00 ENFORCEMENT PROVISIONS**

Nothing in this ordinance shall preclude Adams County from initiating any appropriate action to prevent or remove a violation of any provision of this ordinance. The Adams County Corporation Counsel shall expeditiously prosecute violations to this ordinance.

9-2.01 Items under construction found in violation of this ordinance, shall cease upon written or on-site notification of a **Stop Work Order** by the Zoning Administrator or Sanitary Inspector, and all construction work shall remain stopped until the Zoning Administrator or Sanitary Inspector release the order.

9-2.02 If the owner of a POWTS, Holding Tank or Non-plumbing Sanitation System fails to have his or her system properly serviced in accordance with the Adams County Mandatory Management and Maintenance Program in response to orders issued by the Adams County Zoning Department to prevent or abate a human health hazard as described in s. 254.59 Wis. Statute, the County may enter upon the property and cause to have the servicing performed and place the actual costs of such servicing on the property tax bill as a special assessment for current services rendered, as prescribed by s. 66.60 Wis. Statute.

### 9-3.00 PENALTY PROVISION

Any person who violates any of the provisions of this ordinance, except as otherwise provided shall upon conviction of such violation be subject to a penalty. Any person who upon conviction is found guilty of violating this ordinance or any part thereof shall forfeit not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000.00) for each offense, in addition to the costs of prosecution. Each day a violation continues or occurs, shall constitute a separate violation and offense.

9-3.01 EXECUTION AGAINST DEFENDANT'S PROPERTY. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of Adams County, the court may issue a lien against the property of the defendant for such forfeiture and costs.